

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON FISH AND GAME

Call to Order: By **CHAIRMAN MIKE SPRAGUE**, on January 18, 2001 at 3 P.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Mike Sprague, Chairman (R)
Sen. Jack Wells, Vice Chairman (R)
Sen. Al Bishop (R)
Sen. Edward Butcher (R)
Sen. William Crismore (R)
Sen. Pete Ekegren (R)
Sen. Jon Ellingson (D)
Sen. Eve Franklin (D)
Sen. Debbie Shea (D)
Sen. Bill Tash (R)
Sen. Jon Tester (D)

Members Excused: None.

Members Absent: None.

Staff Present: Roberta Opel, Committee Secretary
Mary Vandembosch, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

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| Hearing(s) & Date(s) Posted: | SB 238, 1/18/2001; SB 105, 1/18/2001 |
| Executive Action: | SB 105, SB 54 |

HEARING ON SB 238

Sponsor: SEN. JON TESTER, SD 45, Big Sandy

Proponents: Janet Ellis, Montana Audubon
Chris Smith, Chief of Staff, FWP

Opponents: None

Opening Statement by Sponsor:

SEN. JON TESTER, SD 45, Big Sandy, presented SB 238 as requested by FWP. The bill increases the price of the nonresident migratory bird license from \$5 to \$50, he told the committee. Revenue from bird licenses would go toward habitat enforcement through wetland restoration. Ultimately, this will result in an increased bird population in Montana, he concluded.

Proponents' Testimony:

Janet Ellis, Montana Audubon, testified in support of the habitat enhancement portion of the bill.

Chris Smith, Chief of Staff, FWP, submitted testimony in support of SB 238 which would double wetland and waterfowl enhancement.

Mr. Smith told committee members that Montana continues to have the longest waterfowl season allowed by federal law; 7 days.

EXHIBIT(fis14a01)

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. MIKE SPRAGUE inquired about Montana's current waterfowl limit.

Mr. Smith replied that bag limits for residents and nonresidents are the same; 7 ducks.

SEN. SPRAGUE suggested that a fiscal note would be needed for the bill.

Mr. Smith replied that a fiscal note had been prepared and submitted.

Closing by Sponsor:

SEN. TESTER closed on SB 238.

HEARING ON SB 105

Sponsor: **SEN. DALE MAHLUM, SD 35,** stated SB 105 would create an enterprise fund to provide inventory at park locations such as Ulm Pishkin and Plenty Coups. The fund would allow for the purchase of additional inventory without waiting for the next

legislative session, he said. The bill would be a good bill for everyone in Montana, he concluded.

Proponents Testimony:

Doug Monger, Administrator, FWP Parks Division, testified SB 105 was requested by the department to establish an enterprise fund. **EXHIBIT (fis14a02)** Profits from this fund, used outside the intent of the fund, must return to the legislature for appropriation.

Opponents Testimony: None

Questions from Committee Members and Responses:

SEN. EKEGREN asked **SEN. MAHLUM** to explain how the inventory would be replenished.

SEN. MAHLUM deferred the question to **Mr. Monger**.

Mr. Monger stated that was precisely the need for SB 105 as there is currently no mechanism to replace inventory.

SEN. PETE EKEGREN questioned whether the bill would allow FWP to have their own fund.

Mr. Monger replied that was the purpose of the bill. For example, he continued, if FWP purchased a book for \$10 and sold it for \$12, the \$12 would be returned to the enterprise fund for inventory.

SEN. EKEGREN inquired about the enterprise fund at the end of the season.

Mr. Monger replied that profits would go into purchasing interpretive and display materials for the upcoming year.

SEN. BUTCHER asked if establishment of the enterprise fund would allow for minor, appropriation lines knowing the inventory would exist on its own.

Mr. Monger stated that was correct. The account would live and die on its own, he added.

SEN. BUTCHER questioned if there would be conflict in five years when other vendors became aware of park inventory.

Mr. Monger stated FWP would be careful not to enter into competition with private vendors.

SEN. BUTCHER told the committee he anticipated that the retail focus of this fund would expand.

Mr. Monger said there would be a \$12 to \$15,000 (approximate) base inventory provided initially through FWP's operating budget.

SEN. JACK WELLS asked how a private vendor would get onto location.

Mr. Monger stated that the scale of each concession would determine how the enterprise fund was handled. With an expected annual income of \$5,000 or less, the FWP Commission would have authority to enter into negotiation with that vendor, **Mr. Monger** explained. FWP would anticipate gross income to be \$60,000 with a \$3,000 or \$4,000 budget, he added.

Closing by Sponsor:

SEN. DALE MAHLUM told the committee that an enterprise fund would generate profit for the entire state.

Discussion:

SEN. SPRAGUE suggested to **SEN. MAHLUM** that enterprise fund merchandise shown to the committee should be available on the Senate floor to aid legislator's in their understanding.

EXECUTIVE ACTION ON SB 105

Motion/Vote: **SEN. EKEGREN MOVED SB 105 DO PASS. The motion carried unanimously, 10-0.**

Discussion:

SEN. EVE FRANKLIN said Ulm Pushkin Park is a new park and staff there are looking forward to implementation of this fund.

Motion/Vote: **SEN. EKEGREN MOVED SB 105 DO PASS. The motion carried unanimously, 10-0.**

EXECUTIVE ACTION ON SB 54

SEN. SPRAGUE told committee members that a recommendation was passed stating veteran's and their dependents were eligible for hunting benefits in Montana.

Motion/Vote: SEN. FRANKLIN MOVED SB 54 DO PASS. The motion carried unanimously, 10-0.

SEN. JACK WELLS asked to remove the applicability within the amendment dealing with dependents.

Mary Vandebosch stated the purpose of the amendment was to strike the special privilege for dependents.

Motion: SEN. FRANKLIN withdrew her motion. She suggested the committee suspend further action until the intent of the amendments could be clarified.

SEN. EKEGREN seconded the motion.

SEN. SPRAGUE told the committee they should begin new work on the bill and related amendments. He encouraged **SEN. EKEGREN** to work with **SEN. ROUSH** and **Mary Vandebosch** on amendments for the bill.

SEN. WELLS said he would speak against rationale to remove the dependent clause within the bill.

SEN. SPRAGUE encouraged **SEN. WELLS** and **SEN. MIKE HALLIGAN** to work together on the bill.

SEN. FRANKLIN noted that due to the number of people involved in the bill's amendments, it would be appropriate to have **SEN. HALLIGAN** attend a Senate Fish & Game Executive Action session.

SEN. WELLS said **SEN. HALLIGAN** informed him that language within the bill includes servicemen only, not their dependents.

SEN. SPRAGUE suggested that the bill needed to be rewritten and would be reviewed by the committee at a later date.

ADJOURNMENT

Adjournment: 4:35 P.M.

SEN. MIKE SPRAGUE, Chairman

ROBERTA OPEL, Secretary

MS/RO

EXHIBIT (fis14aad)